



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145b)
Post Office Box 6898
Elmendorf AFB, Alaska 99506-6898

PUBLIC NOTICE DATE: 12 February 2004

EXPIRATION DATE: 12 March 2004

REFERENCE NUMBER: POA-1978-94-Q

WATERWAY NUMBER: Tenakee Inlet 24

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: U.S. Department of Agriculture, Forest Service (USFS), P.O. Box 309, Petersburg, Alaska 99833, POC Michele Parker (907) 772-5850

LOCATION: The proposed work would occur along the southwestern shore of Tenakee Inlet 3 miles southeast of Seal Bay, 8 miles west-northwest of Tenakee Springs, in section 6, Township 47 South, Range 62 East, Copper River Meridian. [Latitude 57° 49' 16". Longitude 135° 25' 50"]

WORK: The applicant proposes to construct a 138-foot by 154-foot earthen work pad and a 174-foot long by 43-foot wide 10% grade low angle earthen ramp by:

- a. Dredging approximately 967 cubic yards of materials and placing the dredged materials in an upland area with no return to waters of the US.
- b. Discharging 5,925 cubic yards (cys) of shot rock materials (3,659 cys below High Tide Line, [HTL elevation +18.6 feet Mean Low Low Water (MLLW) elevation 0 feet].
- c. Place 1,027 cys of riprap sized materials (680 cys below HTL).

Upon retirement of the site all materials placed below the HTL would be removed to an upland site with no return of materials to waters of the U.S., including wetlands.

The applicant also proposes a 1,000-foot by 300-foot log holding area (6.9 acres).

PURPOSE: Reauthorize a Log Transfer Facility, site name "In-between", for the purpose of transporting logs removed from the Finger Mountain Timber Sales(s) area in the Tongass National Forest.

ADDITIONAL INFORMATION:

The proposed project is discussed in the U.S. Department of Agriculture, Forest Service, Tongass National Forest R10-MB-422b, Finger Mountain Timber Sale(s), Record of Decision and Final Environmental Impact Statement (FEIS) dated June 2003.

Information regarding the original log-holding site is available. The applicant has indicated that the new log holding area (6.9 acres) would not likely be at the same location as the original site.

The applicant has indicated that the facility would only be constructed in conjunction with a timber sale in the area.

MITIGATION: The applicant has submitted a proposal that meets their minimal needs for the project. USFS has not proposed other mitigation efforts beyond utilization of Best Management Practices and 1997 Forest Plan standards and guidelines to reduce impacts to the aquatic environment.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation (ADEC). ADEC had issued a waiver of certification for Tenakee Inlet 24; State ID-AK9410-04 dated December 16, 1994, for the original project.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification. Previously a conditioned Final Consistency Finding, Tenakee Inlet 24, State ID-AK9410-04 dated December 13, 1994 had been issued.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the

Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. *et seq* and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity may adversely affect EFH. The proposed work may affect EFH for juvenile/adult coho, pink and chum salmon within the approximate, 6.9 acres for the log holding area and 0.83 acres of fill for the pad and ramp. This Public Notice initiates consultation requirements with the NMFS under the MSFCMA. We have insufficient information at this time to assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for federally managed fish will also be considered in our final assessment of the described work. This proposed project may also adversely affect associated species such as major prey or predator species which are not covered by Fishery Management Plans. EFH issues between the applicant and the NMFS is discussed in the FEIS and final consultation has occurred.

SPECIAL AREA DESIGNATION: The project is located within the Tongass National Forest.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. John Klutz at (907) 753-2720, toll free from within Alaska at (800) 478-2712, or by email at john.r.klutz@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

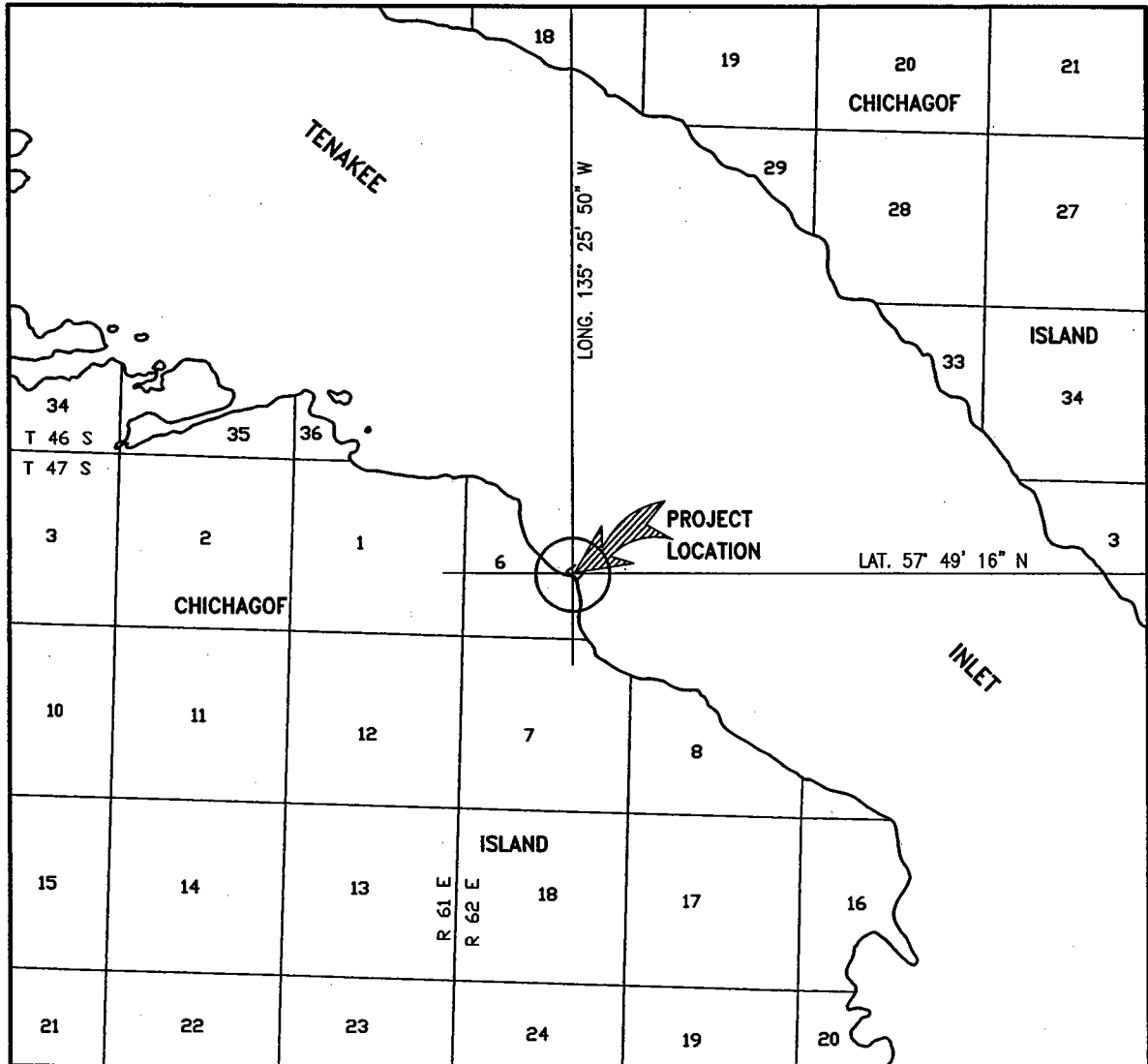
(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

In addition to the applicant seeking authorization under Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean water Act both of which are administered by the Corps of Engineers, the applicant also requires authorization from the Environmental Protection Agency (EPA) under Section 402 of the Clean Water Act. Section 402 authorization must be obtained from the EPA prior to the applicant operating the facility. The applicant has received EPA General Permit AK-G70-0045 (expires 3/21/2005), and will be working directly with EPA (or their designee) on any necessary modifications on the 402 issues, if needed.

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

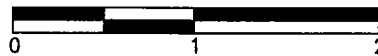
District Engineer
U.S. Army, Corps of Engineers

Attachments

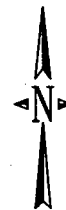


VICINITY MAP: From USGS QUAD, Sitka D-5





SCALE, IN MILES



PART OF TOWNSHIPS T 46 S AND T 47 S,
RANGES R 61 E AND R 62 E, C.R.M.



LEGEND

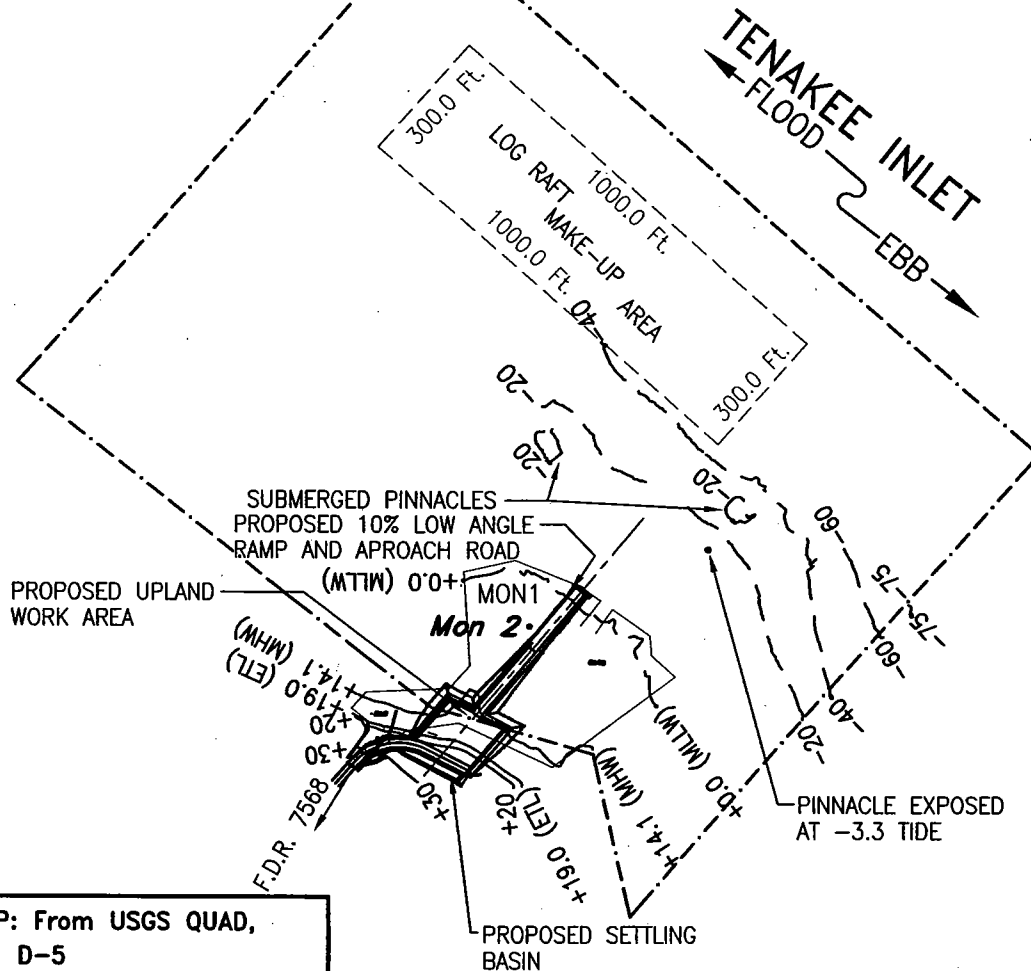
-  STATE & PRIVATE LAND HOLDINGS
-  LANDS MANAGED BY US FOREST SERVICE
-  EXISTING LOG TRANSFER FACILITY
-  FOREST SERVICE ROAD NUMBER

DATE PREPARED: 10-23-2000	APPLICANT'S NAME: M. Parker USDA Forest Service
INBETWEEN LOG TRANSFER FACILITY	
POA-1978-94-Q Tenakee Inlet 24	
SEC. 6, WITHIN T.47 S., R.62 E., CRM	
SHEET 1 OF 6	

DRAWN BY: K. ELMORE
DATE: 10/23/2000

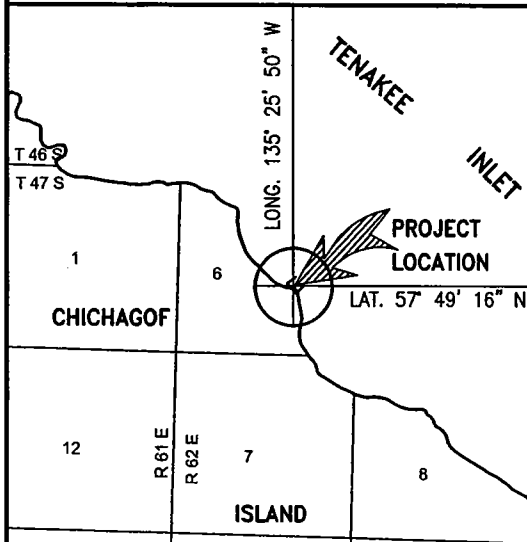
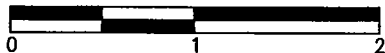
MEANDER DATA ARE NOT
SHOWN ON THIS DRAWING

**PROPOSED TIDELAND LEASE - A.T.S.
PROPOSED PROJECT AREA - 54.0 ACRES**



**VICINITY MAP: From USGS QUAD,
Sitka D-5**

SCALE, IN MILES



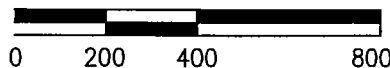
PLAN VIEW

BASIS OF ELEVATION:
U.S.C. & G.S. CAP
"TENAKEE"

(LOCATED IN OLIVE COVE, ALONG ZIMOVIA
STRAIT, 6 MILES FROM ANITA BAY LTF)

ESTIMATED HIGHEST WATER (HTL): +19.0 FT.
MEAN HIGH WATER (MHW): +14.1 FT.
MEAN LOWER LOW WATER (MLLW): 0.0 FT.

SCALE, IN FEET



DRAWN BY: K. Elmore

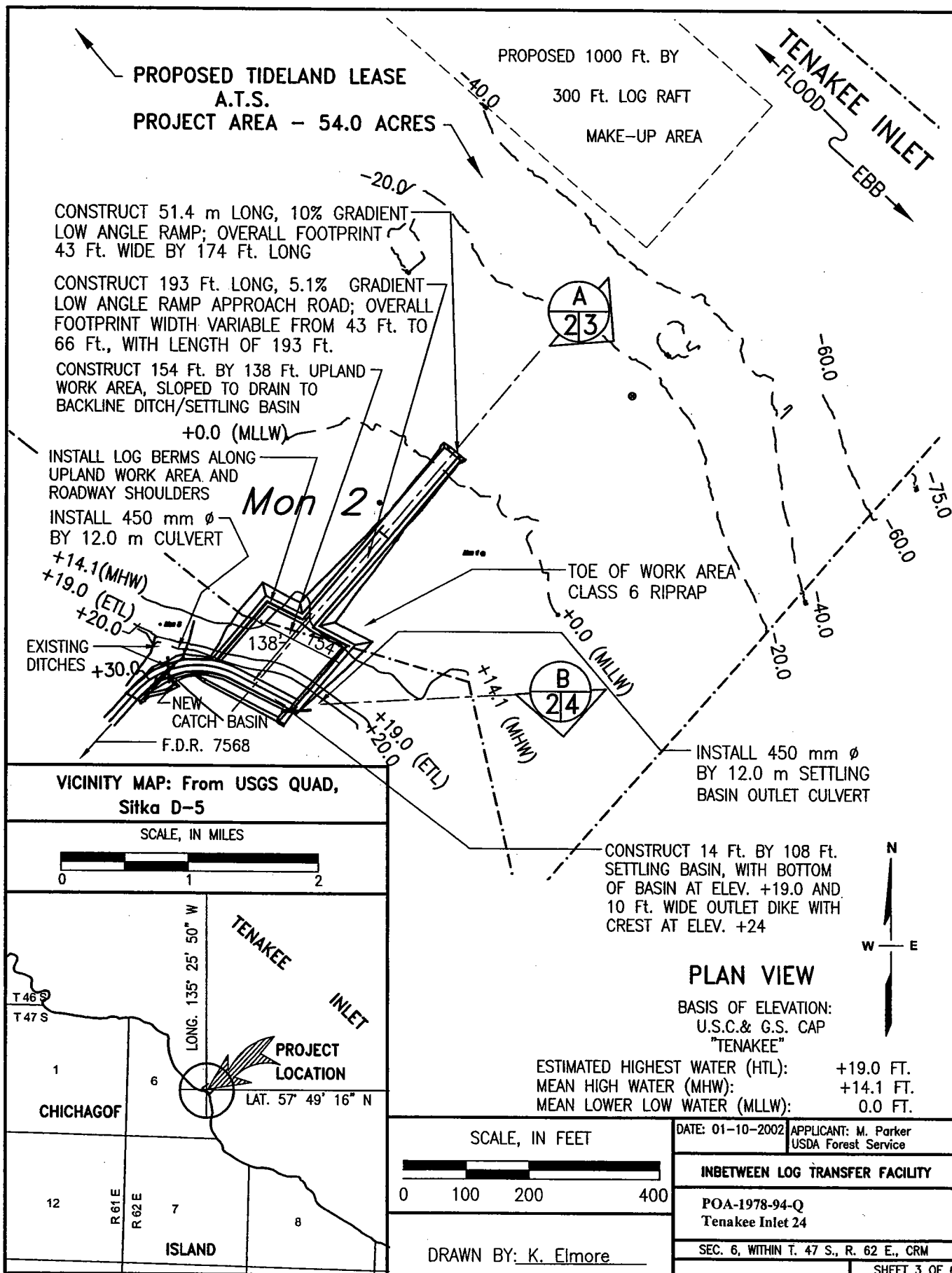
DATE: 01-23-2002 APPLICANT: M. Parker
USDA Forest Service

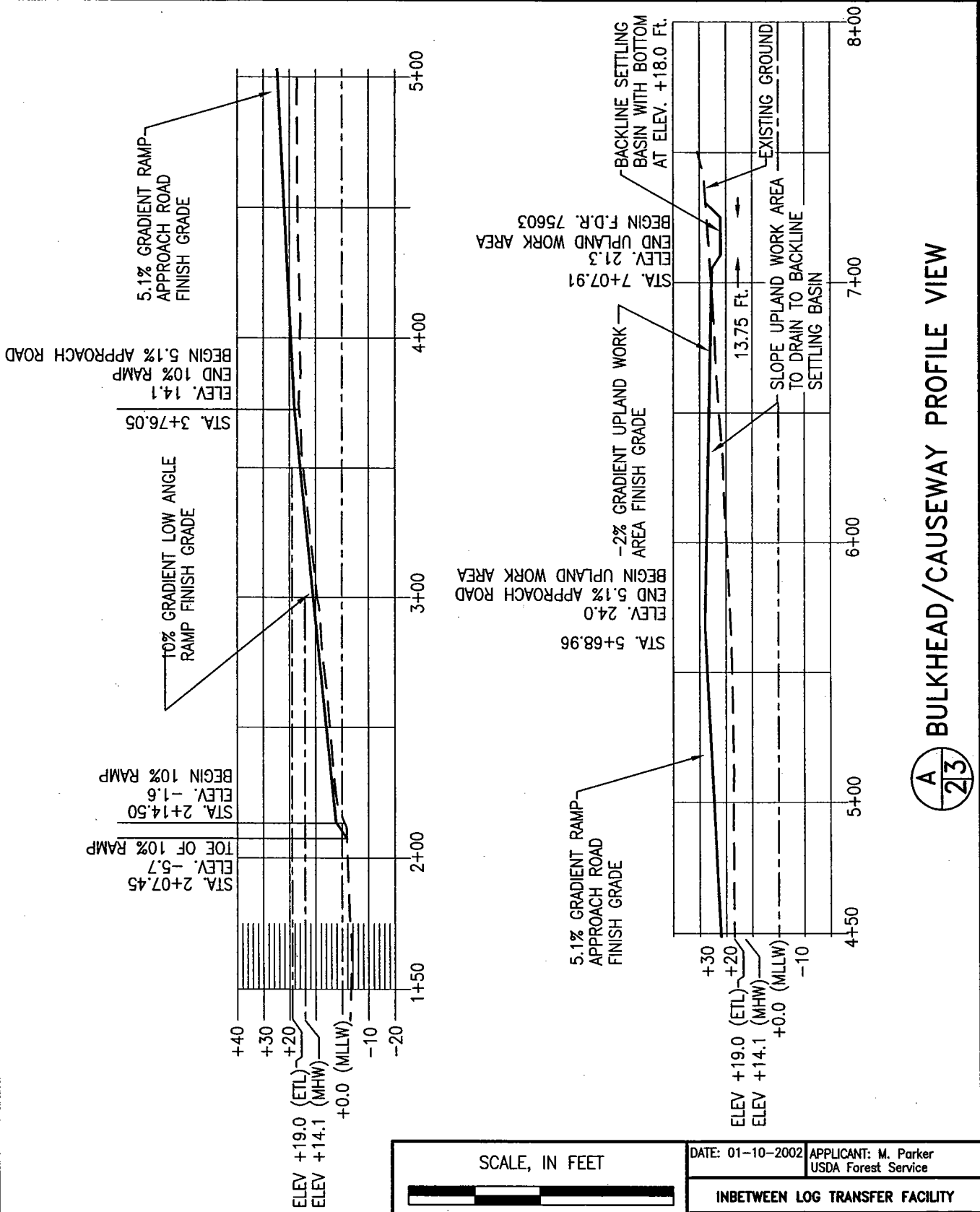
INBETWEEN LOG TRANSFER FACILITY

POA-1978-94-Q
Tenakee Inlet 24

SEC. 6, WITHIN T. 47 S., R. 62 E., CRM

SHEET 2 OF 6



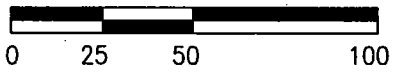


A 23 **BULKHEAD/CAUSEWAY PROFILE VIEW**

PURPOSE:

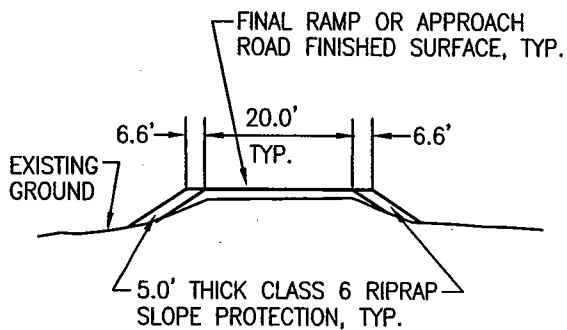
TO TRANSFER TIMBER AND FOREST PRODUCTS FROM LAND TO WATER

SCALE, IN FEET

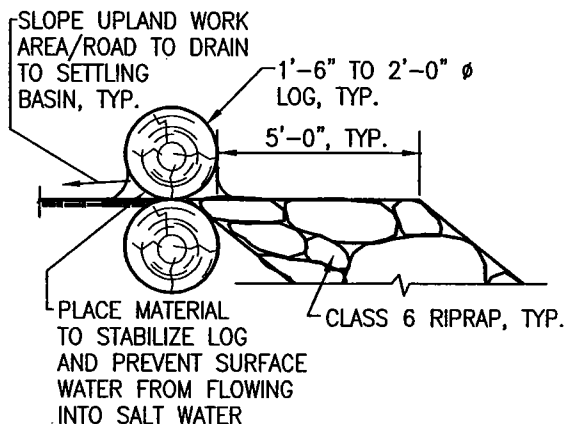


DRAWN BY: K. Elmore

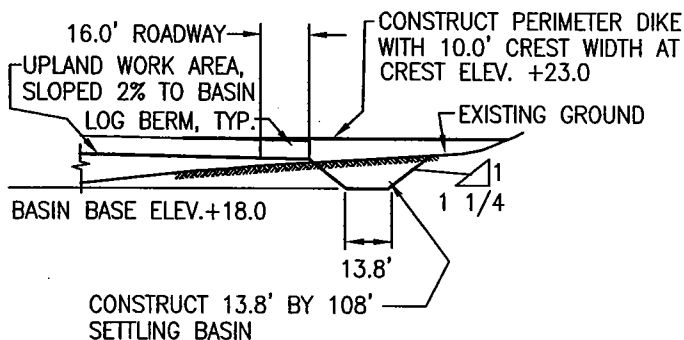
DATE: 01-10-2002	APPLICANT: M. Parker USDA Forest Service
INBETWEEN LOG TRANSFER FACILITY	
POA-1978-94-Q Tenakee Inlet 24	
SEC. 6, WITHIN T. 47 S., R. 62 E., CRM	
SHEET 4 OF 6	



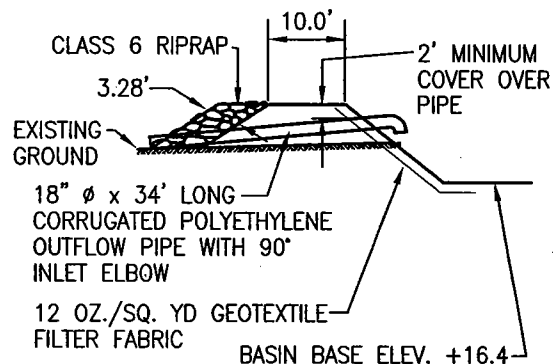
TYPICAL RAMP/APPROACH ROAD SECTION



TYPICAL LOG BERM DETAIL



SETTLING BASIN DETAIL



SETTLING BASIN OUTLET PIPE

INTERTIDAL/SUBTIDAL IMPACTS:

BELOW MHW:

1. EXCAVATE UP TO 967 C.Y. TO CONSTRUCT 43' X 174' OVERALL DIMENSION 10% SLOPE SHOT-ROCK FILL RAMP WITH 20' BY 170' DRIVING SURFACE, AND 5.1% SLOPE, 173' LONG, MAXIMUM 66' WIDE OVERALL DIMENSION WITH 20' BY 173' DRIVING SURFACE LOW ANGLE RAMP APPROACH ROAD.
2. PLACE 2,266 C.Y. CLEAN SHOT ROCK FILL TO CONSTRUCT THE 10% LOW ANGLE RAMP AND 5.1% LOW ANGLE RAMP APPROACH ROAD.
3. PLACE 347 C.Y. CLASS 6 RIPRAP SLOPE PROTECTION.
4. AREA OF IMPACT IS 21,390 S.F., OR 0.49 ACRES.

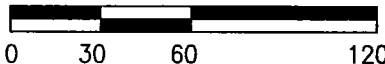
BETWEEN MHW AND HTL:

1. PLACE 1,299 C.Y. CLEAN SHOT ROCK FILL MATERIAL TO CONSTRUCT LOW ANGLE RAMP/APPROACH ROAD, AND 2,360 C.Y. CLEAN SHOT ROCK FILL TO CONSTRUCT BASE OF UPLAND WORK AREA.
2. PLACE 680 C.Y. CLASS 6 RIPRAP SLOPE PROTECTION.
3. AREA OF IMPACT IS 14,643 S.F., OR 0.34 ACRES

PURPOSE:

TO TRANSFER TIMBER AND FOREST PRODUCTS FROM LAND TO WATER

SCALE, IN FEET



DRAWN BY: K. Elmore

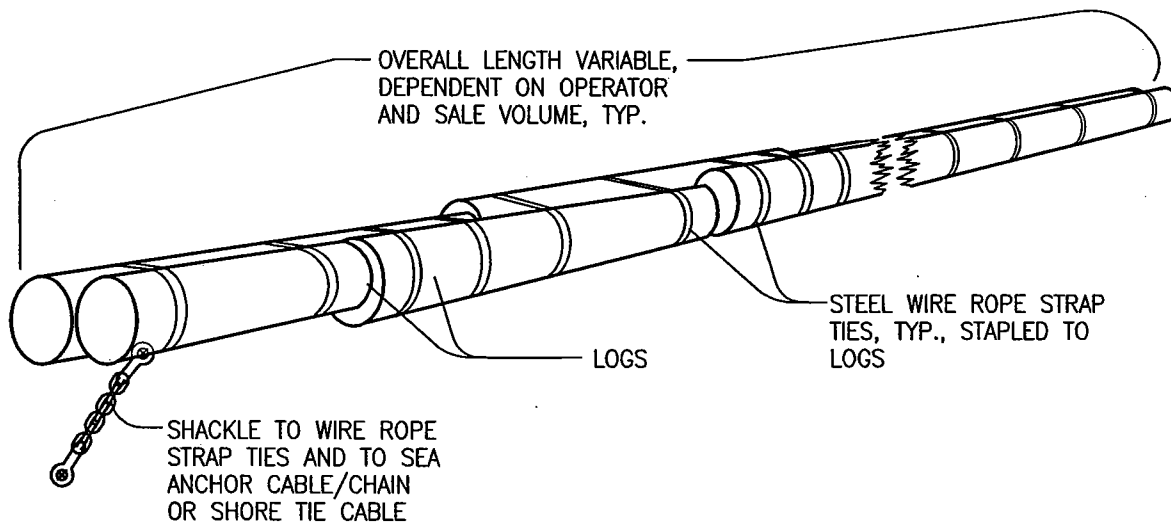
DATE: 01-10-2002 APPLICANT: M. Parker
USDA Forest Service

INBETWEEN LOG TRANSFER FACILITY

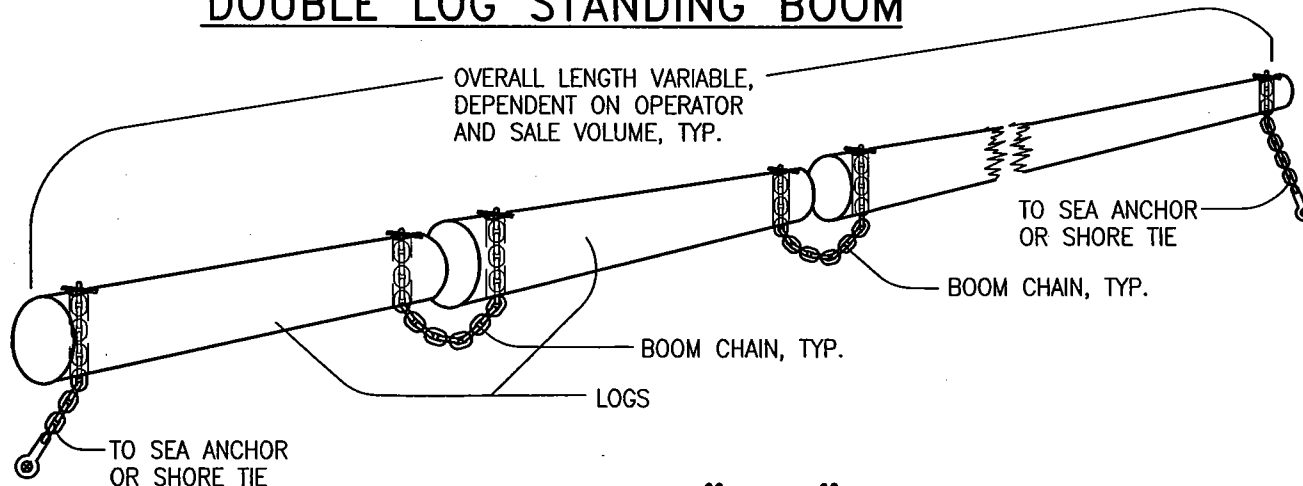
POA-1978-94-Q
Tenakee Inlet 24

SEC. 6, WITHIN T. 47 S., R. 62 E., CRM

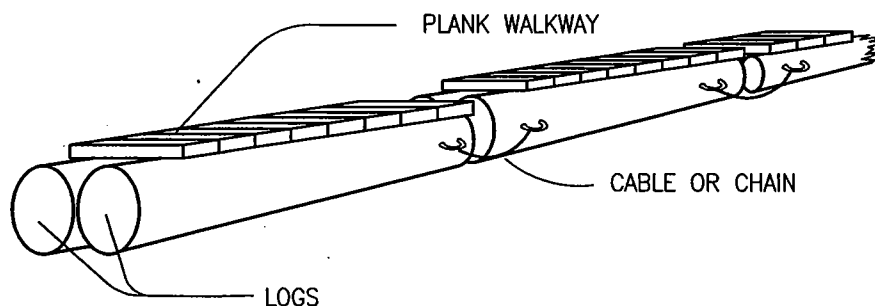
SHEET 5 OF 6



DOUBLE LOG STANDING BOOM



SINGLE LOG "BAG" BOOM



DOUBLE LOG STIFFLEG

NOTE:
TIMBER OPERATORS MAY USE ANY OR ALL OF THE TYPICAL BOOMS ILLUSTRATED, DEPENDENT ON THE OPERATOR'S EQUIPMENT AND/OR THE VOLUME OF TIMBER BEING HARVESTED. ALL THREE OF THE BOOMS ILLUSTRATED MAY BE TIED TO SHORE WITH WIRE ROPE OR CONNECTED TO SEA ANCHORS.

PURPOSE:

CONTAINMENT OF LOGS
TRANSFERRED TO WATER
AND LOG RAFT MAKE-UP

drawn by: K. Elmore

STANDARD
LOG BOOMS
TYPICAL DETAILS

NO SCALE

DATE: 08-10-2001

APPLICANT: M. Parker
USDA Forest Service

INBETWEEN LOG TRANSFER FACILITY

POA-1978-94-Q
Tenakee Inlet 24

SEC. 6, WITHIN T. 47 S., R. 62 E., CRM

SHEET 6 OF 6

STATE OF ALASKA

OFFICE OF THE GOVERNOR

**OFFICE OF PROJECT MANAGEMENT AND PERMITTING
ALASKA DEPARTMENT OF NATURAL RESOURCES**

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
302 GOLD STREET, SUITE 202
JUNEAU, ALASKA 99801-1127
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Division of Governmental Coordination for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-1978-94-Q, Tenakee Inlet 24**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Alaska Division of Governmental Coordination. For information about this consistency review, contact DGC at (907) 269-7470 or (907) 465-3562, or visit the DGC web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF AIR AND WATER QUALITY

Non-Point Source Control Section

401 Certification Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-1978-94-Q, Tenakee Inlet 24**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
410 Willoughby Avenue
Juneau, Alaska 99801-1795
Telephone: (907) 465-5321
FAX: (907) 465-5274